

First Circuit Opinion Summaries by Findlaw

- [First Circuit Opinion Summaries by Findlaw](#) - with links to full-text opinions arranged by month.

Most Recent Summaries

FINDLAW DAILY OPINION SUMMARIES
U.S. 1ST CIRCUIT COURT OF APPEALS

Civil Rights, Landlord Tenant Law

Batista v. Cooperativa de Vivienda, No. 13-1817

In this case, plaintiff is a disabled tenant who alleges that the Fair Housing Act's (FHA) requirement that landlords must make reasonable accommodations for their disabled tenants entitles her to stay in her apartment of many years, despite having been told that she is no longer eligible for the federal subsidy on which she had been relying to make the rent. She further alleges that her landlord impermissibly discriminated against her because of her disability and retaliated against her for pursuing her FHA rights. Summary judgment in favor of the defendants is affirmed in part, reversed in part, and remanded in part, where: 1) because there is no way this suit against a private landlord could result in an order to the administering agency for the federal subsidy program to reverse course and reinstate the rental subsidy, the requested accommodation is not a reasonable one; 2) plaintiff put forward no evidence to suggest that an impermissible, disability-based discriminatory purpose motivated defendants' actions; and 3) plaintiff has a right against retaliation that the FHA secures, and on remand the claim must be decided on the merits.